

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WHARTON CAPITAL PARTNERS LTD. and
WHARTON CAPITAL MARKETS LLC,

Plaintiffs,

-against-

XSUNX, INC.,

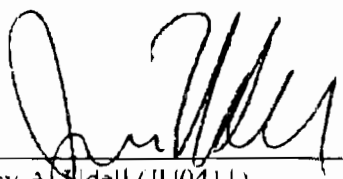
Defendant.
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**STIPULATION
EXTENDING THE
DEFENDANT'S TIME TO
ANSWER OR
OTHERWISE RESPOND
TO THE COMPLAINT**

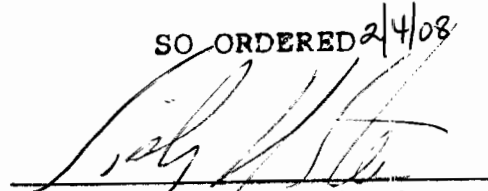
08 Civ. 0056

It is hereby stipulated between the attorneys for the parties in the above-captioned matter, that the Defendant's time to serve its answer or otherwise respond to the complaint is extended from February 4, 2008 to February 11, 2008.

Dated: Garden City, New York
January 28, 2008


Jeffrey A. Udell (JU0411)
OLSHAN GRUNDMAN FROME
ROSENZWEIG & WOLOSKY LLP
Attorneys for Plaintiffs
Park Avenue Tower
65 East 55th Street
New York, New York 10022
(212) 451-2300


Howard M. Miller (HM4538)
BOND, SCHOENECK & KING, PLLC
Attorneys for Defendant
1399 Franklin Avenue
Suite 200
Garden City, New York 11530
(516) 267-6318

SO ORDERED 2/4/08

SIDNEY H. STEIN
U.S.D.J.